

CITY UTILITIES COMMITTEE

MINUTES

MAY 30, 2006

The regularly scheduled meeting of the City Utilities Committee was held on **Tuesday, May 30, 2006 at 9:43 a.m.** in Committee Room #2. The following members were present:

The Honorable Ceasar C. Mitchell, Chair
The Honorable Ivory Lee Young, Jr., Vice-Chair
The Honorable Clair Muller
The Honorable Howard Shook
The Honorable Carla Smith
The Honorable Natalyn M. Archibong

Others present at the meeting were: Marc Goncher, Peter Andrews and Stephanie Grant, Law Department; Commissioner Robert Hunter, Deputy Commissioners Sheila Pierce and Joseph Basista, Department of Watershed Management; Joe Morris, Office of the Mayor; Sandy Jennings, Department of Public Works; public and Council Staff.

Chairman Mitchell called the meeting to order at 9:43 a.m. after declaring a quorum present. He then proceeded with the following order of business.

A. ADOPTION OF AGENDA - ADOPTED AS AMENDED

B. APPROVAL OF MINUTES - APPROVED

C. QUARTERLY REPORT FROM THE DEPARTMENT OF WATERSHED MANAGEMENT - Commissioner Robert Hunter gave a quarterly presentation to the Committee. Handouts were also given to the Committee with relevant information on the presentation.

D. PUBLIC HEARING - ORDINANCE FOR SECOND READING

06-O-1046 (1) An Ordinance by Councilmember Howard Shook ***as substituted by City Utilities Committee*** to authorize the extension of the public sanitary sewer system in portions of the public rights-of-way of Wieuca Road and/or North Stratford Road in the City of Atlanta; and for other purposes. **(Advertised for a Public Hearing 5/30/06)**

Chairman Mitchell declared the Public Hearing opened for the above legislation. No one from the public signed up to speak.

A motion was made by Councilman Shook to accept and adopt the Substitute.

FAVORABLE ON SUBSTITUTE

E. ORDINANCES FOR SECOND READING

- 06-O-0817 (1) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with Looking Glass Networks, Inc., to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
- 06-O-0818 (2) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with AGL Networks, LLC, to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
- 06-O-0819 (3) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with Progress Telecommunication, a Florida Corporation, to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
- 06-O-0820 (4) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with Time Warner Telecom of Georgia, LP, to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
- 06-O-0821 (5) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with XO Georgia, Inc., to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.
- 06-O-0822 (6) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with Southern Telecom, Inc., to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.

E. ORDINANCES FOR SECOND READING

06-O-0823 (7) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with Sprint Telecommunications Corporation, to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.

06-O-0824 (8) An Ordinance by City Utilities Committee authorizing the Mayor to execute a Franchise Renewal Agreement with BellSouth Telecommunications, Inc., to provide telecommunication services using public right-of-way; specifying the compensation due the City of Atlanta by the Franchise Agreement; and for other purposes.

Chairman Mitchell announced that Items E-1 through E-8 were Ordinances for 3rd Reading and Final Adoptions. He stated that if they were no objections that items E-1 through E-8 would be acted upon simultaneously.

Councilman Shook made the motion to adopt

FAVORABLE 3rd READING; FINAL ADOPTION

06-O-1060 (9) An Ordinance by Councilmember Carla Smith ***as substituted and amended by City Utilities Committee*** authorizing the purchase of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14th District, Fulton County, Georgia; to reduce the distance requirement of City Code Section 74-303(b) from 75 feet to 50 feet and waive variance procedures in Sections 74-306 through 74-313 as applied to this property; to accept the donation of land abutting the City of Atlanta Chlorination Facility; and for other purposes.

Councilman Mitchell made a motion to amend the Substitute to include a review of the appraisal.

Councilwoman Smith made the motion to accept and adopt the substitute as amended

FAVORABLE ON SUBSTITUTE AS AMENDED

ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-1065 (10) An Ordinance by Councilmember Natalyn Mosby Archibong authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that certain Subdivision SD-05-102 (2686 & 2692 Knox Street, SE) applicant deposit a dollar amount (\$6,700.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 5; and for other purposes.

Councilwoman Archibong made the motion to adopt.

FAVORABLE

F. RESOLUTIONS

- 06-R-1059 (1) A Resolution by Councilmember Ceasar C. Mitchell ***as substituted by City Utilities Committee*** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of nine thousand dollars and 00/100 (\$9,000.00) as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards at the Clear Creek CSO Facility on May 7, 2006 and at the Tanyard Creek CSO and North Avenue CSO Facilities on May 10, 2006 pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.

Councilman Mitchell made the motion to accept and adopt the substitute. The substitute included the penalty amounts in detail.

FAVORABLE ON SUBSTITUTE

- 06-R-1151 (2) A ***Substitute*** Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Wade Coots Company, Inc. for FC-3006007912, Sewer Group One Rehabilitation Phase I Pipebursting – Contract B on behalf of the Department of Watershed Management; said contract shall be in an amount not to exceed \$8,781,875.30; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q38I02739999 (Sewer Group One Rehabilitation); and for other purposes.

Councilwoman Muller made the motion to accept and adopt the substitute. The substitute changed the term of the contract to a one-year term.

FAVORABLE ON SUBSTITUTE

RESOLUTIONS (CONT'D)

- 06-R-1152 (3) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with American Water Services Underground Infrastructure, Inc. for FC-3006007906, Annual Contract for Small Diameter Sewer Improvements – Cured-In-Place-Pipe; on behalf of the Department of Watershed Management; said contract shall be in an amount not to exceed \$7,263,527.26; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q38I02739999 (Sewer Group One Rehabilitation); and for other purposes.

Councilwoman Smith made the motion to adopt.

FAVORABLE

- 06-R-1153 (4) A ***Substitute*** Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Southeast Pipe Survey, Inc. for FC-3006007907, Annual Contract for Small Diameter Sewer Improvements – Pipebursting; on behalf of the Department of Watershed Management; said contract shall be in an amount not to exceed \$10,498,601.03; all contracted work shall be charged to and paid from Fund, Account and Center Numbers: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q38I02739999 (Sewer Group One Rehabilitation); (\$9,898,601.03) 2J21 (Water & Wastewater Renewal & Extension) 524001 (Consultant/Professional Services) Q83001 (Industrial Inspection and Monitoring) (\$230,000.00) 2J21 (Water & Wastewater Renewal & Extension) 574001 (Facilities other than Buildings) Q83001 (Industrial Inspection and Monitoring) (\$346,160.00) 2J21 (Water & Wastewater Renewal & Extension) 574001 (Facilities other than Buildings) Q84001 (Fog/Grease Compliance) (\$23,840.00); and for other purposes.

Councilwoman Smith made the motion to accept and adopt the substitute. The substitute changed the amount of the contract.

FAVORABLE ON SUBSTITUTE

RESOLUTIONS (CONT'D)

- 06-R-1173 (5) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment No. 1 to the Agreement with Water Management Services, for FC-6004007697, on behalf of the Department of Watershed Management, for an amount not to exceed \$1,150,000.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal and Extension) 574001 (Facilities other than Buildings) Q65J080394DA (Water Mains, Various Locations); and for other purposes.

Councilwoman Muller made the motion to adopt.

FAVORABLE

- 06-R-1174 (6) A Resolution by City Utilities Committee authorizing the Mayor to enter into an Agreement with Lakewood Hills, Inc. providing for the non-standard location of water meters on private property located in the City of Atlanta, Georgia, to which the City provides water services; and for other purposes. ***(Held at the request of the Law Department 05/30/06)***

HELD

- 06-R-1175 (7) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment No. 1 to the Agreement with Metals and Materials Engineers, for FC-6004007832A, on behalf of the Department of Watershed Management for an amount not to exceed \$2,750,000.00; all contracted work shall be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q65J08039999 (Water Mains, Various Locations); and for other purposes.

Councilwoman Muller made the motion to adopt.

FAVORABLE

- 06-R-1176 (8) A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment No. 1 to the Agreement with Rockdale Pipeline, Inc., for FC-6004007832B, on behalf of the Department of Watershed Management for an amount not to exceed \$1,000,000.00; all contracted work shall be charged to and paid from Various Funds, Account and Center Numbers; and for other purposes.

Councilwoman Muller made the motion to adopt.

FAVORABLE

G. PAPERS HELD IN COMMITTEE

- 06-O-0306 (1) An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller)**

HELD

- 06-O-0472 (2) An Ordinance by Councilmembers C. T. Martin and Ivory L. Young, Jr. to re-name Simpson Road from H. E. Holmes Drive to West Peachtree Street, to Coretta Scott King Drive; to waive various subsections of Section 138-8 of the Code of Ordinances; and for other purposes. **(Held 2/14/06 awaiting decision from Coretta Scott King Commission on the appropriate honor for Mrs. King.)**

HELD

- 06-O-0560 (3) An Ordinance by Councilmember Kwanza Hall to **abandon** the following portion of right-of-way, being more specifically described in the legal description attached as Exhibit "A" and the survey attached as Exhibit "B" (1) Alexander Street between Luckie Street and Marietta Street, said property lying and being in Land Lot 79 of District 14, Fulton County, Georgia; and for other purposes. **(Public Hearing held 3/14/06) (Held 3/14/06 at the request of the Department of Public Works while questions to GDOT are being addressed.)**

HELD

- 06-R-0563 (4) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-0698 (5) An Ordinance by Councilmember Cleta Winslow to **abandon** that portion of Larkin Place between Larkin Street and Lowe's Alley, lying in Land Lot 84, 14th District, Fulton County, Georgia and being more fully described in the attached Exhibit "A"; and for other purposes (**Public Hearing Held 3/28/06 awaiting review from City Agencies and Public Utilities.**)

HELD

- 06-R-0907 (6) An **Amended** Resolution by City Utilities Committee authorizing the Mayor or designee to issue a **Notice-to-Proceed** with United Consulting, for FC-7449-02B, Citywide Annual Contract for Geotechnical and Environmental Engineering Testing and Investigation Services for Geotechnical Exploration for a proposed water tower on behalf of the Department of Watershed Management in an amount not to exceed \$14,959.00. All contracted work shall be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension) 524001 (Consultant/Professional Services) Q42001 (Engineering Planning & Design). (**Held 4/25/06 for further review by the Department of Watershed Management.**)

Councilwoman Muller made the motion to accept and adopt a substitute. The substitute changed the dollar amount of the contract.

FAVORABLE AS AMENDED

- 06-O-0937 (7) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. (**Held 4/25/06 for further review by the Department of Watershed Management.**)

HELD

PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-0929 (8) A ***Substitute*** Ordinance by City Utilities Committee amending the 2006 (2001 Quality of Life Bond Fund and 2004 Quality of Life Bond Fund) Budgets by transferring from and to appropriations for the purpose of reprogramming several sidewalk, intersection improvements, greenspace, streetscape and traffic signal projects and for funding several sidewalks, greenspace, speed humps, intersections, street resurfacing, and traffic signal projects; and for other purposes.

(Held 5/9/06 for financial concerns.)

Councilman Young made the motion to accept and adopt the substitute.

FAVORABLE ON SUBSTITUTE

- 06-R-1053 (9) A Resolution by Councilmember Ivory L. Young, Jr. of the City Council of City of Atlanta, Georgia, requesting that the Mayor consider foregoing the installation of a sidewalk in front of the Sig Samuels Laundry and Dry Cleaning Business located at 906 Monroe Drive and to allow the current front-side parking arrangement to remain intact.

(Held 5/9/06 until committee hears from the District Councilmember)

HELD

- 06-O-1055 (10) An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-05-52 (513 Bryn Mawr Lane, NW) applicant deposit a dollar amount (\$5,956.45) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 8; and for other purposes.

(Held 5/9/06 at the request of Councilmember Muller.)

Councilwoman Muller made the motion to adopt.


FAVORABLE

H. ITEMS NOT AGENDA -

- * **Several announcements were made by Councilmember Ivory Lee Young, Jr. regarding District 3;**
- * **A Moment of Silence was given to honor all Veterans who have previously served and who are presently serving our Country;**
- * **Councilwoman Archibong asked Ms. Grant about the sidewalk Ordinance.**

There being not further business to come before the Committee, the meeting was adjourned at 12:13 p.m.

Respectfully Submitted:



Laura George for Fredrieca Cooper
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Ceasar C. Mitchell, Chair
City Utilities Committee